IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1374 of 2005

Between:

C.Mallesha S/o.Late Chapala Muthaiah
R/o.H.No.6-3-10, Chintalbasthi, Hyderabad.

..... PETITIONER

AND

The Special Deputy Collector Land Acquisition (Industries),
Lakdikapool, Opposite Ayodya Hotel, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an appropriate writ or order or orders more particularly in the nature of writ of Mandamus declaring the Memo issued by the respondent vide No.C/1175/97 dt.25.1.2005 is quiet illegal and arbitrary and set aside the same pass such other order or orders.

Counsel for the Petitioner: MR.T.V.RAJEEVAN

Counsel for the Respondent: GP FOR LAND ACQUISITION

The Court made the following :

THE HONL'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.1374 OF 2005

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ORAL ORDER :

The petitioner seeks a declaration that the impugned proceedings dated 25-01-2005 passed by the Special Deputy Collector, Land Acquisition, (Industries), Hyderabad, rejecting the request of the petitioner for issuing the certified copies of the award dated 12-07-2002 as well as the copies of the notices under Section 9(1) and 10 of The Land Acquisition Act, 1894 (for short, 'the Act') as arbitrary and illegal.

The petitioner states that his father by name Chapala Muthaiah was the owner of the land in Sy.Nos.340 & 341 of Manchirevula village which was acquired under the provisions of the Act and an award was passed on 12-07-2002 fixing the compensation. However, since there was no notice to him he was not aware of the proceedings till a notice was issued directing to hand over possession to the Special Deputy Tahsildar. Thereafter, he made an application on 29-12-2004 before the respondent – Special Deputy Collector requesting to keep the further proceedings in abeyance. It appears that the said request was rejected by memo dated 03-01-2005 on the ground that the Unregistered Sale Deed and Ryotwari Pass Book produced by the petitioner do not substantiate the claim of the petitioner. The petitioner states that thereafter he made an application dated 24-01-2005 requesting the first respondent to issue the certified copies of the award dated 12-07-2002, Form No.IX and Form No.X so as to enable him to seek redressal by instituting proceedings before the appropriate forum. However, the respondent by impugned memo dated 25-01-2005 informed the petitioner that the certified copies of the documents sought by him cannot be issued. Aggrieved by the said action of the respondent, this writ petition is filed.

Having heard the leaned Counsel for the petitioner and the learned Government Pleader appearing for the respondent and particularly keeping in view the plea of the petitioner that the notice in Form-X was issued in the name of his late father, I am of the view that the impugned memo rejecting the request of the petitioner for issuing the certified copies cannot be sustained.

Accordingly, the impugned memo dated 25-01-2005 is set aside and the Writ

Petition is disposed of with a direction to the respondent to reconsider the request of the petitioner and to pass appropriate orders in accordance with law without insisting on proof of their title to the property in question within a period of two weeks from the date of receipt of this order. No costs.

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09th February, 2005.

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Note:

C.C. in one week.

(BO)

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Copy to:

1.The Special Deputy Collector,

Land Acquisition (Industries),

Lakdikapool, Opposite Ayodya Hotel,

Hyderabad.

2.Two C.Cs to the Government Pleader for Land Acquisition, High

Court Buildings, High Court of A.P., Hyderabad (O.U.T.)

3. Two C.D. Copies.